

Approved: /s/
Matthew Weinberg/Alexandra S. Messiter
Assistant United States Attorneys

ORIGINAL

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

23 MAG 6280

UNITED STATES OF AMERICA

v.

MIGUEL ANGEL DEMOYA-GARCIA,

Defendant.

COMPLAINT

Violation of 21 U.S.C. § 846

COUNTY OF OFFENSE:
BRONX

DOC # _____

SOUTHERN DISTRICT OF NEW YORK, ss.:

Ryan F. Lane, being duly sworn, deposes and says that he is a Task Force Office with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. In or about August 2023, in the Southern District of New York and elsewhere, MIGUEL ANGEL DEMOYA-GARCIA, the defendant, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MIGUEL ANGEL DEMOYA-GARCIA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that MIGUEL ANGEL DEMOYA-GARCIA, the defendant, conspired to distribute and possess with intent to distribute was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge of the foregoing charge are, in part, as follows:

4. I am a Detective with the New York City Police Department ("NYPD") and Task Force Officer with DEA and have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, my examination of

reports and records, and my conversations with other law enforcement agents and other individuals. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my training and experience, my participation in this investigation, including my personal observations during physical surveillance, my review of law enforcement reports and records and communications with other law enforcement agents, including with respect to their conversations with a confidential source working at the direction of law enforcement (“CS-1”),¹ I have learned the following, among other things:

a. On or about August 31, 2023, at approximately 7:30 p.m., CS-1 spoke to an individual based in Philadelphia, Pennsylvania (“CC-1”) via the encrypted messaging service WhatsApp. CS-1 and CC-1 agreed to engage in a narcotics transaction pursuant to which CC-1 would provide CS-1 with approximately three kilograms of fentanyl.

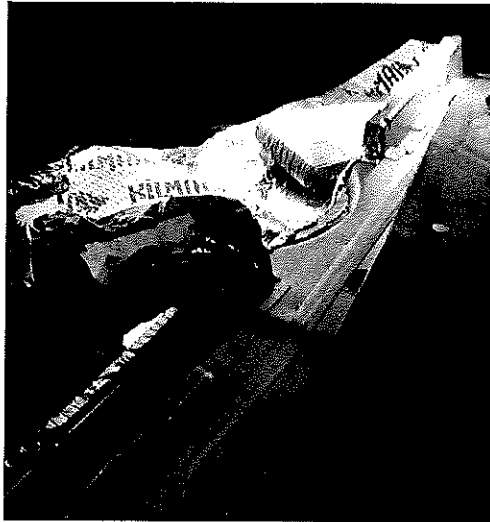
b. On or about August 31, 2023, at approximately 9:30 p.m., law enforcement agents conducting physical surveillance outside of a residence in Philadelphia (the “Philadelphia Residence”) observed an individual later identified as MIGUEL ANGEL DEMOYA-GARCIA, the defendant, arrive at the Philadelphia Residence inside of a Kia Sol (the “Vehicle”). Law enforcement agents observed CC-1 exit the Philadelphia Residence carrying a bag (the “Bag”). CC-1 entered the back seat of the Vehicle and remained there for approximately five minutes. DEMOYA-GARCIA, the defendant, remained in the Vehicle during this time. CC-1 then exited the Vehicle and was no longer in possession of the Bag. Law enforcement agents then observed DEMOYA-GARCIA, the defendant, drive away from the Philadelphia Residence inside the Vehicle.

c. On or about August 31, 2023, at approximately 11:45 p.m., law enforcement agents stopped the Vehicle while it was driving on Interstate 87 in the vicinity of the East 233rd Street exit in the Bronx. Law enforcement agents observed that DEMOYA-GARCIA, the defendant, was driving the Vehicle at the time that it was stopped, and there were no other passengers in the Vehicle. DEMOYA-GARCIA, the defendant, thereafter provided consent to law enforcement agents to search the Vehicle.

d. During the search of the Vehicle, law enforcement agents identified a hidden compartment (the “Compartment”) in the back seat of the Vehicle. Law enforcement agents searched the Compartment and identified one individually wrapped package of what I understand, based on my training and experience, to be pressed narcotics weighing approximately one kilogram, commonly known as a “brick,” as well as a bag matching the appearance of the Bag. Inside the Bag, law enforcement agents identified two additional individually wrapped bricks. One of the three bricks was opened by law enforcement agents and found to contain a substance that

¹ CS-1 has been providing information to law enforcement in exchange for monetary compensation for more than ten years. The information provided by CS-1 has proven credible and reliable, and has led to the seizure of over 100 kilograms of narcotics and over \$1 million in narcotics proceeds.

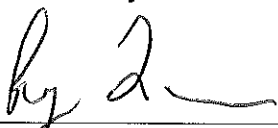
field-tested positive for the presence of fentanyl. All three bricks were weighed by law enforcement, and the cumulative weight of the bricks was approximately 3.35 kilograms. Below is a photograph of the Compartment as law enforcement found it upon it being opened.



e. Law enforcement agents also identified three cellular phones in the Vehicle. DEMOYA-GARCIA, the defendant, allowed law enforcement agents to review a photograph of an identification card on one of those cellular phones, which depicted a photograph of DEMOYA-GARCIA, the defendant, and the name "Miguel Angel Demoya-Garcia."

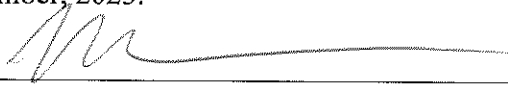
f. After law enforcement agents stopped the Vehicle, DEMOYA-GARCIA, the defendant, made a recorded post-arrest, *Mirandized* statement, in Spanish, in which he stated, in sum and substance, that he was being paid to bring "what you guys found" from Philadelphia to New York.

WHEREFORE, I respectfully request that MIGUEL ANGEL DEMOYA-GARCIA, the defendant, be imprisoned or bailed, as the case may be.



Ryan F. Lane
Task Force Officer
Drug Enforcement Administration

Sworn to before me this 1st day
of September, 2023.



THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York